

# Rules and Standards The Villages at Three Ponds Condominium Unit Owners Association

13 Three Ponds Drive Brentwood, NH 03833

## **Vision Statement for The Villages at Three Ponds**

The Villages at Three Ponds (VTP) is an “over 55” homeowners’ association that seeks to cultivate a true sense of community, active homeowner involvement and a culture of building consensus. VTP strives to provide services and amenities to meet the reasonable expectations of homeowners. The VTP governing board elected by the homeowners seeks to maintain the financial health and property values through established management practices and sound business principles coupled with striking an effective balance between the preferences of individual residents and collective rights of homeowners.

Adopted by the Board of Directors, December 2021

**Table of Contents**

- 1. INTRODUCTION AND PURPOSE ..... 3
- 2. BOARD OF DIRECTORS ..... 3
- 3. MANAGEMENT COMPANY ..... 4
- 4. AMENDMENT OF DECLARATION AND BYLAWS..... 5
- 5. BOARD MEETINGS..... 5
- 6. BOARD REVIEW AND APPROVAL PROCESS..... 6
- 7. CONDOMINIUM UNIT OWNERS' ASSOCIATION FEES ..... 6
- 8. VIOLATION AND FINE PROCESS ..... 7
- 9. COMPLAINTS PROCESS ..... 7
- 10. COMMITTEES..... 7
- 11. CONDUCT OF RESIDENTS AND GUESTS ..... 8
- 12. CLUBHOUSE, PATIO AND GYM..... 10
- 13. POOL RULES..... 11
- 14. WALKING TRAILS AND TRAILSIDE EXERCISE EQUIPMENT..... 12
- 15. WINTER HOLIDAY SEASON DECORATIONS..... 12
- 16. OUTSIDE STORAGE..... 12
- 17. PROPANE PROCUREMENT AND DELIVERY ..... 13
- 18. SNOW REMOVAL..... 13
- 19. PETS..... 13
- 20. LANDSCAPING AND DECORATIONS..... 14
- 21. ARCHITECTURAL CONFORMITY AND MODIFICATIONS TO A UNIT ..... 20
- 22. DRIVEWAY MAINTENANCE AND REPAIR ..... 21
- 23. DAMAGE TO COMMON OR LIMITED COMMON AREAS ..... 22
- 24. POST-INSTALLATION REVIEW AND APPROVAL OF LANDSCAPING AND  
MODIFICATIONS..... 22
- 25. PUBLIC EMERGENCY POLICY ..... 22

## 1. INTRODUCTION AND PURPOSE

The Villages at Three Ponds Condominium Unit Owners Association's (Association) Board of Directors (Board) has the fiduciary responsibility to enforce and support the Declaration, Bylaws, Resolutions, and Rules and Standards of the Association. These Rules and Standards are in addition to the Declaration and Bylaws and do not supersede those documents, but rather augment them. The Declaration and the Bylaws are the governing documents for the Association. The Board may also adopt Resolutions relative to the use of the Condominium. (Ref: Declaration 2.27). These Rules and Standards were developed to secure and preserve the quality of life that the owners expect. In some cases, requirements specified in the Declaration, or the Bylaws, are referenced and/or repeated for ease of use and reference. The intent is to have the frequently used or referred to information included or referenced in the Rules and Standards. The Board will continue to add to these Rules and Standards as the activities required to facilitate the transfer of responsibility from 3 Ponds, LLC, to the Association are completed and additional guidance is deemed appropriate. The Rules and Standards are posted on TownSquare.

The Declaration, the Bylaws, the Rules, and the Resolutions, as amended from time to time, are also expressly declared to be for the benefit of the Town of Brentwood, and any commission, board and /or agency of the Town of Brentwood and may be enforced by an action at law or inequity by the Town of Brentwood or an appropriate commission, board, agency, or officers of the Town of Brentwood. The Town shall have reasonable access to the premises, or any part thereof, for such inspection as may be needed to enforce the Declaration, the Bylaws, the Rules and

Resolutions, as amended from time to time. If the Town maintains such an action and prevails, it shall be entitled to recover all reasonable costs and expenses of such an action, including reasonable attorneys' fees. Declaration: 3.9.4 (d)

Compliance with the Association's Declaration, Bylaws, Resolutions, Rules and Standards is required by all owners and residents. The Board is not authorized to deviate from the Declaration and Bylaws. The Board has the duty and authority to enforce the Declaration, Bylaws, Resolutions and these Rules and Standards.

## 2. BOARD OF DIRECTORS

The initial Board was appointed by the Declarant in accordance with Section 26.1 of the Declaration and Article III of the Bylaws. The initial Board will serve until the first Annual Meeting of the Association, tentatively scheduled for October 2021, at which time the appointed Board will resign, and the owners, including the Declarant if the Declarant owns any units, will elect a Board of Directors with terms of office of one year for one Director, two years for two Directors and three years for two Directors.

The elected Board shall immediately elect a President, Treasurer, and Secretary. (Ref: Bylaws, Article II, Section 4)

### 3. MANAGEMENT COMPANY

The Board has engaged Evergreen Management Group (Evergreen) to be the property manager for the Association. Evergreen will handle all aspects of the day-to-day management of The Villages at Three Ponds, including notifications related to the Rules and Regulations, collection of the monthly HOA fees, and management of vendor contracts, under the direction of the Board. All communications between the owners and the Board will go through Evergreen, except for discussions during Board meetings.

A. Questions or comments regarding these Rules and Standards, and requests for approval of changes by the Board, should be forwarded to Evergreen at:

- a. Association Manager: Nicholas Garcia  
Email: [ngarcia@evergreenmgt.com](mailto:ngarcia@evergreenmgt.com)  
603-418-7229, x7501
- b. Sr. Association Administrator: Linda Cyr  
Email: [LCyr@evergreenmgt.com](mailto:LCyr@evergreenmgt.com)  
Phone: 603-622-7000 x2000
- c. Association Administrator: Brooke LaCroix  
Email: [Blacroix@evergreenmgt.com](mailto:Blacroix@evergreenmgt.com)  
Phone: 603-945-3778
- d. Maintenance Coordinator, Linda Malbon  
Email: [lmalbon@evergreenmgt.com](mailto:lmalbon@evergreenmgt.com)  
Phone: 603-418-7419 or 603-580-5192, x7505
- e. Accounts Receivable, Lauri Young  
Email: [lyoung@evergreenmgt.com](mailto:lyoung@evergreenmgt.com)  
Phone: 603-622-7000, x6800
- f. TownSquare website <https://app.townsq.io/login>  
using the Requests application.

B. Anyone who does not have access to a computer, and is unable to contact Evergreen via e-mail, can write to Evergreen at:

Evergreen Management Group  
17 Commerce Drive  
Bedford, NH 03110

C. Owners are encouraged to register on TownSquare and use the website, as this the desired method for communications regarding important Association information, and the posting of documents.

D. Emergency Contact of Evergreen

In the event of an emergency, as in anything that is affecting the whole community, such as fire, gas leak, wind damage, etc., contact Evergreen at

603-622-7000 (Evergreen's answering service) and explain the emergency, **immediately after calling 911.**

#### 4. AMENDMENT OF DECLARATION AND BYLAWS

The Declaration and the Bylaws may be amended in accordance with Section 12 of the Declaration and Article X of the Bylaws.

#### 5. BOARD MEETINGS

E. Board Meetings – The Board will hold meetings as required during the initial year of operation and will meet with Evergreen on a periodic basis. The meeting minutes will be posted on TownSquare.

F. Quarterly Board Meetings – On a quarterly basis, the Board will hold informational meetings with the owners. The meeting notices and agenda will be posted on TownSquare, as will the meeting minutes. The Board will provide updates on Board activities and changes within the Association at the beginning of the meeting. Owners who are planning to attend a quarterly Board meeting should contact Evergreen to allow planning for seating. The time for each owner will be limited by the number of other owners wishing to participate. During the COVID-19 public health emergency, these meetings may be virtual meetings, and a hyperlink will be provided with the meeting agenda.

Owners will be asked to identify themselves by name and address. Questions may, or may not, be addressed during the meeting based upon the complexity of the issue. The Board will address the issue and get back to the owner as soon as reasonable

G. Annual Association Meeting - The Board will conduct the annual Association meeting in October, with the initial meeting being conducted in October 2021.

The order of business at all meetings of the Unit Owners' Association may be as follows: 1) roll call; 2) recitation of proof of notice of meeting; 3) reading of minutes of preceding meeting; 4) reports of officers; 5) reports of Board; 6) reports of committees; 7) election of Directors, if applicable; 8) unfinished business, and 9) new business, any of which may be waived. Bylaws, Article II, Section 10.

The annual meeting will always include the ratification of the budget for the following year.

Time will be allotted for questions, comments, or suggestions at the end of the meeting. Speakers must state their name and address. The time for each owner will be limited by the number of other owners wishing to participate. To give everyone opportunity to speak, speakers will be limited to one question or comment until all speakers have had their opportunity to speak.

## 6. BOARD REVIEW AND APPROVAL PROCESS

Requests for approval of changes to a unit's exterior for architectural conformity, or for landscaping changes, whether permanent or temporary, require review and approval by the Board. The requests must be submitted to Evergreen, by e-mail, U.S. Mail, phone, or the TownSquare website at:

- Sr. Association Administrator: Linda Cyr  
Email: [LCyr@evergreenmgt.com](mailto:LCyr@evergreenmgt.com)  
Phone: 603-622-7000 x2000, or
- Association Manager: Nicholas Garcia  
Email: [ngarcia@evergreenmgt.com](mailto:ngarcia@evergreenmgt.com)  
603-418-7229, x7501, or
- Association Administrator: Brooke LaCroix  
Email: [Blacroix@evergreenmgt.com](mailto:Blacroix@evergreenmgt.com)  
Phone: 603-945-3778, or send mail to:
- Evergreen Management Group  
17 Commerce Drive  
Bedford, NH 03110
- TownSquare website <https://app.townsq.io/login> - using the Requests application

The request will be reviewed for completeness and the owner may be contacted to provide additional information. A complex request may result in a Board member(s) inspecting the site to gain a better understanding of the proposal.

The Board will review requests and make its decision in a timely manner. Evergreen will communicate the decision to the requester. Should the Board identify any noncompliance with the Declaration, Bylaws, Resolutions, or the Rules and Standards, the Board will follow the Violation and Fine Process.

Any owner who has a concern about a project should contact Evergreen, in writing, to state their concern.

## 7. CONDOMINIUM UNIT OWNERS' ASSOCIATION FEES

Condominium Unit Owners Association fees are due on the 1<sup>st</sup> day of each month. Checks should include the owner's Association account number, and be made payable to "Villages at Three Ponds Condominium Association" and mailed to:

Evergreen Management Group  
PO Box 970065  
Boston, MA 02297-0065

In the event a check is returned by a bank, the unit owner will be assessed any charges the bank makes to the Association.

A payment that is late in excess of 30 days, shall be subject to interest at 18% per annum from the due date and shall be subject to a \$25.00 late payment charge per

month. In addition, a lien may be exercised for unpaid expenses 30 days after the due date. (*Bylaws: Article XIII, 1.(e) and Declaration, Section 15.2*)

## 8. VIOLATION AND FINE PROCESS

The intent of the Violation and Fine Process is to promote the timely restoration of compliance with the Declaration, Bylaws, Resolutions, Rules and Standards. The process typically involves a warning with a reasonable time to restore compliance. Should an owner not restore compliance, at the discretion of the Board, fines may be imposed, and if not paid, may result in a lien against the unit of the owner. All costs of enforcement of these Rules and Standards, the Declaration, Bylaws and Resolutions will be assessed against the unit owner.

### **Fine Schedule**

Violation:	Warning Letter
Violation Continues:	Second Warning with \$50.00 fine.
Violation Continues:	Third Warning with \$75.00 fine.
Violation Continues:	Fourth Warning with \$100.00 fine

Repeat violations of the same requirement may result in additional actions at the discretion of the Board. In cases of egregious violations, such as the discharge of a weapon or unapproved discharge of fireworks, the Board may waive the use of a warning and move directly to fines.

## 9. COMPLAINTS PROCESS

Complaints concerning violations of the Declaration, Bylaws, Resolutions, or these Rules and Standards should be submitted to Evergreen in writing via U.S. Mail, email or by using the TownSquare website <https://app.townsg.io/login> Requests application. Evergreen will inform the Board and the Board's decision, or response will be provided to the complainant by Evergreen. The complaint process is anonymous, and complaints are not shared with the owners.

## 10. COMMITTEES

The Board may establish ad hoc or permanent committees to perform specific activities for the Association. Committees serve in an advisory role to the Board to provide insights and recommendations to the Board. Each committee should typically have no more than five members and shall have a chairperson and a secretary to be selected by the committee members. A Board member will participate on the committee in a non-voting role.

To ensure participation is available to all unit owners, the term for committee members will typically be two years unless there is limited interest from others in the community. During the startup of the committee, some members may have a one-year term so there will be experienced members remaining on the committee. The committee shall establish a charter, to be approved by the Board, which describes the scope of work to be addressed by the committee. Committee meetings shall be scheduled on TownSquare and meeting minutes shall be

provided to the Board and posted on TownSquare. Requests, and justification, for funding of committee activities shall be included in the meeting minutes

## 11. CONDUCT OF RESIDENTS AND GUESTS

### A. Drones

Drones are not permitted anywhere on or above the Villages at Three Ponds, except for use by the Gove Group for marketing purposes.

### B. Fireworks

Fireworks of any kind are prohibited with the Villages at Three Ponds without the prior authorization by the Board.

### C. Littering

Littering of any kind is prohibited. Cigarette butts, paper, cans, bottles, food, and other trash is to be deposited in appropriate trash containers and under no circumstances are such items to be dropped or left on the grounds or the streets.

### D. Noise

At no time shall noise levels be excessive so as to disturb neighbors. Residents and guests are expected to be respectfully quiet between the hours of 11:00 P.M. and 7:00 A.M.

### E. Emergency Generator Testing

Generator testing is allowed between 10 a.m. and 1 p.m., on Monday through Thursday.

### F. Weapons

No firearms, air guns, bows, crossbows, slingshots, or other weaponry may be used within The Villages at Three Ponds.

### G. Yard Sales

Yard sales, tag sales, flea markets, or similar activities are not allowed without prior Board approval.

### H. Flags, Banners, Signs, and Posters

A standard United States Flag\* may be displayed on a unit as authorized by the Freedom to Display the American Flag Act of 2005, Public Law 109-243, and the State of New Hampshire Condominium Act, RSA 356-B.

At The Villages at Three Ponds, a standard United States Flag that is no larger than 3 feet by 5 feet may be displayed, and must be mounted on a standard



accompanying pole, using a standard accompanying pole bracket, and affixed to the front facade of a unit owner's home. [For these purposes, the front facade of the home indicates a secure location of the owner's choice from the left to the right of the home facing the street or common driveway.] The US Flag may not be mounted to the exterior of any other part of the home or displayed on a separate flag pole installed in the ground adjacent to a unit owner's home.

No other flag, banner, sign, or poster will be allowed to be displayed on or around a unit.

If there is any confusion to how this rule may apply, the owner is encouraged to reach out to the board for assistance.

\*For additional information concerning the US flag, see:  
[uscode.house.gov](https://www.uscode.house.gov)

In Title 4, the standard US Flag is described as having "thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue."

#### I. Trash and Recycling

Trash and recycling must be placed at or near the end of the driveway on the day of collection, or the evening prior to collection, without blocking the sidewalks. Containers must meet the Town of Brentwood's requirements. Trash and recycling containers must be returned to the unit's garage on the day of collection.

Any debris that may fall out of the trash receptacles due to animals, wind, snow, or the collection process, is the responsibility of the unit owner to remove.

#### J. Boats, Canoes and Kayaks

Owners who use their personal boats, canoes, or kayaks, or who allow their guests to use these craft, assume all responsibility and liability related to their use. Children under the age of 12 must be accompanied by an adult and life vests must always be worn by all parties. Personal boats, canoes, kayaks, and other similar vessels are not allowed to be stored in the ponds or on the shore of a pond when not in use.

#### K. Grills and Fire Pits

Commercially available grills and fire pits can be used, at the owner's risk, and stored on the patios in the unit's Yard.

#### L. Pond Use in Winter

The Association does not measure ice thickness. The ponds have springs feeding them and the ice is not uniform in thickness. No use of the ponds is allowed during the winter season.

#### M. Smoking

Smoking is not allowed in the clubhouse, patio, pool area, pickleball courts, the clubhouse grounds, and the beach area on the large pond. Residents who choose to smoke should ensure their smoking materials are not discarded on Association property and are responsible for the conduct of their guests regarding smoking.

#### N. Swimming in the Ponds

There is no swimming allowed in the ponds.

### 12. CLUBHOUSE, PATIO AND GYM

The clubhouse and the patio are open for use by the residents and guests at their own risk. Guests are required to be accompanied by a resident and children are not allowed in the clubhouse or on the patio without adult supervision. The clubhouse has a maximum capacity of 82 people. Smoking is not allowed in the clubhouse, the patio or on the clubhouse grounds. Pets, except for guide animals for the handicapped, are not allowed inside the Clubhouse.

~~Anyone having a function in the clubhouse, or on the patio, is responsible for removing their trash and recycling.~~

~~The clubhouse may not be reserved by a single unit owner, or group of unit owners, to hold a private function that would restrict use by other unit owners. Each unit will be allowed up to 12 people, including residents and guests, for casual gatherings and the facilities may be shared with other unit owners up to the maximum capacity of the building.~~

~~A reservation book is located in the clubhouse kitchen area, and is used to note reservation of the clubhouse for Association functions. Residents who are planning an informal gathering are encouraged to post their intentions in the book, including their name, address, date and time, and the total number of people expected. This posting does not reserve the clubhouse, but does help other residents to plan for their functions.~~

~~Rental or reservation of the clubhouse and patio will be addressed after the unit owners vote on the issue at the Initial Unit Owners' Meeting in October.~~

The exercise room, or gym, is also open for use by residents and their guests at their own risk. Due to size of gym, residents are limited to two (2) guests at one time, and guests must be accompanied by a resident. No one under 18 may use the gym unless accompanied by an adult, and no one under age 12 may use the exercise equipment. Alcoholic beverages are not permitted in the gym. The Association is not liable for any lost property.

- Proper attire and athletic shoes must be worn while in the gym.
- No wet bathing suits are allowed in the gym.
- Disinfect machines after use.
- Thirty (30) minutes is the maximum time on any one piece of equipment if someone is waiting to use it
- Please leave the gym area as you found it. Replace all weights, mats, ropes, etc.

### 13. POOL RULES

No lifeguard(s) will be provided. Residents and their guests use the pool at their own risk and residents assume all responsibility for their guests.

- All Guests must be accompanied by an adult resident.
- Six (6) people per unit are allowed in the pool area.

The maximum occupancy of the pool deck and pool is 60 people. The pool is not used during electrical storms, tornados, or severe weather.

Pool Hours – 7:00 A.M. – 9:00 P.M.

#### GENERAL RULES

All swimmers must take a cleansing shower prior to entering the pool.

- Anyone having a considerable area of exposed subepidermal tissues, cuts, contagious or communicable diseases, open sores, blisters, bandaged wounds, medical coverings, inflammation of the eyes, or nasal or ear discharge must not enter the pool.
- Spitting, urinating, nose blowing, spouting water, or the discharge of any bodily fluids in the pool is not allowed.
- Animals, with the exception of guide animals, are not allowed on the pool deck.
- Bottles, glasses, or breakable containers are not allowed on the pool deck.
- Food or drink is not allowed in the pool.
- Anyone under the influence of alcohol or drugs must not enter the pool.
- Children under the age of three, or who are not potty-trained, must wear a water-resistant swim diaper.
- Children under the age of 18 are not allowed in the pool without adult resident supervision.
- Children are not allowed to play or sit on the chair lift.
- Chairs or tables may not be reserved during extended absences.
- Smoking is prohibited.

- L. All persons utilizing the pool must dry off before entering the clubhouse to use the restrooms, and foot coverings must be worn. If unvaccinated, masks must be worn inside the clubhouse.
- M. Chairs and lounges must be covered with towels, or beach robes, when body or tanning oils are used.
- N. The cost of any property damage will be charged to the responsible party.

#### 14. WALKING TRAILS AND TRAILSIDE EXERCISE EQUIPMENT

The walking trails and the trailside exercise equipment is for use by residents and their guests and is used at their own risk.

- All guests under the age of 16 must be accompanied by a resident to use the walking trails.
- Children under the age of 12 must be supervised at all times, and accompanied by an adult resident to use the trailside exercise equipment.

#### 15. WINTER HOLIDAY SEASON DECORATIONS

During the winter holiday season, owners and residents may place holiday decorations and lights on their porches and in their windows. Decorations that emit music or other noises, or that have blinking lights, are not allowed.

Decorations are not allowed on the roofs of units. An owner may decorate the fascia board, below the roofing shingles, of their unit, and one tree in the front of their unit with clear, non-blinking mini lights. The Board may decorate the Association's gazebo with clear, non-blinking mini lights. With the approval of the Board, other decorations may be allowed in the front mulch area. Decorations may be installed four weeks prior to your holiday and must be removed two weeks after the holiday. Inflatable decorations and projection systems are not allowed in the Limited Common Area, including the unit's Yard.

#### 16. OUTSIDE STORAGE

Storage units are not allowed in the Limited Common Area. Grills, lawn furniture, benches, chairs, tables, and other similar items shall not be left outside in the Limited Common Area, except for the Yard, when not in use.

Motorcycles, minibikes, bicycles, sporting goods, commercial trucks, motor homes, RV campers, boats, snowmobiles, golf carts, or ATVs, shall not be parked outside overnight without prior permission of the Board. Motor homes or RV campers may be stored overnight when the owner is preparing to depart or upon return from a trip. No unregistered vehicles shall be parked in the driveways.

Overnight vehicle parking is not allowed on the roadways. Owners may temporarily park their vehicles in front of the clubhouse should their driveway and garage not be available. The make, model and license plate number shall be provided to Evergreen in the event the temporary parking at the clubhouse is used.

*“There will be no outside storage of any kind, which prohibition shall include the prohibition of any unregistered or inoperable vehicle, and of any boat, trailer, ATV or RV.” (Bylaws: Article V,7-A.(i))*

#### 17. PROPANE PROCUREMENT AND DELIVERY

The Association has entered into a contract with Lamprey Energy to obtain propane for all owners at a deeply discounted rate. This is a continuation of the arrangement that 3 Ponds, LLC, had with Lamprey. Lamprey will notify owners of scheduled delivery and will bill unit owners individually.

#### 18. SNOW REMOVAL

Owners will be responsible for removal of snow from their driveways that is required due to a vehicle parked in the driveway. The snow removal contractor will not shovel around vehicles.

The snow removal contractor will clear a path to the propane tanks, at the request of the Board, when there is approximately 12” of snow or other adverse conditions arise that could impede the ability of Lamprey to deliver propane. Should Lamprey notify an owner that a propane delivery is pending, and the owner believes that the existing condition would impede Lamprey’s ability to deliver, they should contact Evergreen to have the path cleared to the propane tank.

Unit owners are responsible to keep the exterior exhaust from their hot water heaters and furnaces clear to minimize the potential for the exhaust fumes entering the unit.

#### 19. PETS

“No animal, other than common household pets with the consent of the Board, shall be kept or maintained on the Property, nor shall common household pets be kept, bred or maintained for commercial purposes on the Property. Pets shall not be permitted outside of the Units unless they are accompanied by an adult person and carried or leashed. The Board of Directors may make further provisions in the Rules for the control and regulation of household pets in the Condominium. The Owner of a Unit where a pet is kept or maintained shall be responsible and may be assessed by the Board of Directors for all damages to the Property resulting from maintenance of said pet and any costs incurred by the Association in enforcing the Rules prescribed or to be prescribed by the Board of Directors for the control and regulation of pets in the Condominium and each such Owner shall be deemed to indemnify and hold the Board harmless against such loss or liability resulting from said pet.” Bylaws: Article V, Section 7-A.(c) Pets shall not be tethered outside a unit.

Pets are not allowed inside the Clubhouse or the pool area, except for qualified Service Animals.

Owners must immediately clean up all Common Land and Limited Common Areas after their pets.

## 20. LANDSCAPING AND DECORATIONS

The Association landscaping, including the design and selection of plantings in the Front Planting Bed of each unit, and trees between units and in front of units, is intended to provide uniformity in the overall appearance of the Association that is complementary with the design and layout of individual units, and Association facilities and amenities. This is consistent with the vision of the Association that it “seeks to cultivate a true sense of community.” However, that vision also incorporates the principle of “striking an effective balance between the preferences of individual residents and collective rights of homeowners.”

The Association landscaping maintenance is limited to lawns, the original plantings in the Front Planting Bed of the units, the trees between the units, and the trees planted in front of the units. However, unit owners may at their own expense, including cost of future maintenance, make landscaping changes as set forth and described in paragraphs A through F below in: (i) plantings and decorative landscaping in the Front Planting Bed, (ii) plantings in the Limited Common Area on the side of the unit, (iii) plantings in the Limited Common Area next to the Yard; and (iv) plantings in the Yard. Unit owners who make landscaping changes to the original plantings and decorative landscaping in the Front Planting Bed will, as a condition of resale of the unit, require that the buyer assume the cost of the maintenance of such area unless it is restored by the seller to the original plantings and condition to the satisfaction of the Board.

For purposes of these Rules:

“Plantings” are live trees, shrubs, perennials and annual flowers that are planted in the ground in planting beds. Artificial plants of any kind are not permitted in planting beds.

“Limited Common Area” means a portion of the Common Area owned by the entire Association but reserved for the exclusive use of the unit owner and those entitled to the use of one or more, but not all, of the units. The Front Planting Bed is a part of the Limited Common Area.

The “Yard” is defined as the area at the rear of the unit in which the owner has limited options for adding flowers and other plantings. The width of any given unit’s concrete foundation at its widest point (excluding the foundation size of any extended garage) usually will determine the width of the Yard that may be utilized by the unit owner. The depth of the Yard usually is measured by extending rearward from the concrete foundation to the common land boundary line, or a no-cut line, or a septic setback or wetland setback or open space line of such similar boundary, whether prescribed on a plan, by state or town regulation or by deed restriction or by rule promulgated by the Association, beyond which no improvement or household activity may take place thereon. In the case where units back up to each other (i.e., James Circle) a half-way measured mark will be the line of demarcation.

Yard dimensions may vary based upon a unit's lot and placement of the unit on the lot. Where there are questions a unit owner should contact the Association's managing agent to arrange for the Board to verify the depth of the Yard to be determined for their lot if decks, patios, or rear shrubs are planned.

The unit's front steps and front porch are not subject to the landscaping rules, except as otherwise specifically noted.

A unit owner will notify the Board before making changes in the Front Planting Bed (in accordance with Section A.a below). The Board or its agent will be tracking these changes throughout the Association in order to monitor compliance.

All unit owners will make use of Dig Safe when digging and planting anywhere around their units. <http://www.digsafe.com>

Changes beyond the scope of those allowed by these Rules require approval by the Board. Requests should include the location and pictures, descriptions or drawings, and the size of the proposed plantings at maturity, to facilitate understanding of the proposal.

A. Plantings and Decorative Landscaping in the Front Planting Bed which is a Limited Common Area

Unit owners have two choices based on guidance from the Board of Directors:

- a. The guidance in this subsection is for the unit owner who replaces the developer's planting(s) either partially or in full:

Plantings in the Front Planting Bed are to remain a "shrub" planting bed by original design. Unit owners may plant, at their own expense, low growing shrubs, mainly dwarf varieties. One topiary style dwarf ornamental tree (e.g., Tardiva Hydrangea) may be planted in this area provided that it is pruned back dramatically at the end of the fall season. It may not exceed 7 feet in height at any time. All other plantings must be maintained and trimmed annually by the unit owner to stay below 3 feet in height (except for a topiary style dwarf ornamental tree). The Association's landscape contractor of choice will have no responsibility to maintain the Front Planting Bed once it has been replanted by the homeowner; however, weeding will still be done by the Association landscaper if requested by the owner. Any shrubs planted by the unit owner that die must be replaced by the unit owner at their own expense and in a timely manner.

The guidance in this subsection will transfer to subsequent owners upon transfer of the deed. It is the responsibility of the seller to notify prospective buyers of this responsibility and must include it in the Seller's Sales Disclosure. The seller has the option to restore the landscape to its original plantings and condition before transfer of title to the new owner in order to allow the buyer access to full landscape services provided by the

Association landscaper. If the unit owner hires their own contractor to perform trimming or other landscape related tasks within the Limited Common Area, the unit owner must submit to the Board of Directors or managing agent an insurance certificate showing liability and Workers Compensation insurance before beginning any work. No activity by a unit owner's own contractor may alter, damage, threaten, modify, or restrict any area outside of the original Front Planting Bed, including driveways, lawns, or sprinkler systems. Any such alteration must be restored at the owner's expense.

Plantings other than shrubs in the Front Planting Bed may include no more than 12 nursery-grown perennials, whether existing or new. Plants which multiply over time must be thinned annually to comply with this limit. Perennial selections should be made to contrast and complement its surroundings. The Front Planting Bed is to remain a "shrub" planting bed and not become a complete perennial bed.

Annual flowers or spring bulbs, such as daffodil, hyacinth, tulip, etc. (up to 3 feet in height at maturity) are allowed in the Front Planting Bed. The surface mulch to be used must be what the Association landscaper installs in the spring of that given year. If a unit owner does their own replanting after the mulch has already been spread the unit owner must contact the Association landscaper to apply new mulch to match what was spread in the spring. Any additional mulch needed would be at the unit owner's expense. All units must use the same mulch for uniformity.

There will be no reduction in HOA fees for owners who follow the above section.

- b. The guidance in this subsection is for the unit owner who does NOT replace any of the developers' plantings whatsoever.

Plantings in the Front Planting Bed may include no more than 12 nursery-grown perennials, whether existing or new. Plants which multiply over time must be thinned annually to comply with this limit. Perennial selections should be made to contrast and complement their surroundings. The Front Planting Bed is to remain a "shrub" planting bed and not become a complete perennial bed.

Annual flowers or spring bulbs, such as daffodil, hyacinth, tulip, etc. (up to 3 feet in height at maturity) are allowed in the Front Planting Bed and must be maintained, and annuals removed by the unit owner as the season dictates. The Association landscape contractor will weed and maintain the area as well as trim the original developer's plantings within the Front Planting Bed. After the expiration of the developer's warranty, the Association will be responsible for timely replacement of shrub plantings within the Front Planting Bed and trees within the Limited Common Area at the Board's direction. Unit owners utilizing subsection b



are not allowed to replace bushes and trees within the Front Planting Bed.

The surface mulch to be used must be what the Association landscaper installs in the spring of that given year. If a unit owner does their own planting of perennials, annuals and/or bulbs after the mulch has already been spread then the unit owner must contact the Association landscaper to apply new mulch to match what was spread in the spring. Any additional mulch needed would be at the unit owner's expense. All units must use the same mulch for uniformity.

**B. Plantings in the Limited Common Area Next to The Unit**

Low-level shrubs, bushes, and flowers (up to 3 feet in height at maturity) are allowed along the sides of a unit in an area extending no more than 36 inches from the foundation. The ball of the planting must be within the 36-inch space, and the planting shall not extend beyond 36 inches and shall not impede the landscape contractor from easily completing mowing, fertilizing, sprinkler maintenance, and related activities. The unit owner shall be responsible for mulching, weeding, and trimming of the plantings. Plantings that impede the landscape contractor, or that are not mulched, or otherwise maintained to stay within the height limitations, may be removed at the Boards direction and will be at the unit owner's expense.

Irrigation lines are installed along the sides of the units, typically 6 to 12 inches from the foundation. Repair of damage to the irrigation system as the result of unit owner's planting activity will be the responsibility of the unit owner. Irrigation lines must be repaired or relocated by the Association irrigation contractor at the unit owner's expense.

**C. Plantings in the Limited Common Area Next to the Yard**

Bushes, shrubs, or flowers (up to 8 feet in height maturity) are allowed in an area extending no more than 36 inches from the side of the Yard. The ball of the planting must be in the 36-inch space and the planting shall not extend beyond 36 inches and shall not impede the landscape contractor from easily completing mowing, fertilizing, and related activities. A typical use of such plantings is to provide a privacy barrier. The irrigation lines will require relocation by the Association irrigation contractor at the unit owner's expense.

**D. Plantings in a Unit's Yard**

Within the Yard, plantings such as bushes and shrubs used to establish a border or for other purposes must be maintained to not exceed eight (8) feet in height, be contiguous to the unit or patio, and must not impede the landscaper's ability to operate a riding mower. See also, C. Plantings in the Limited Common Area Next to the Yard.

E. Plantings in the Rear Limited Common Area for 26, 28, 30, 32, 34, 36, and 38 Three Ponds Drive

Homeowners living at 26, 28, 30, 32, 34, 36, or 38 Three Ponds Drive have the unique feature of a stone retaining wall at the rear of the Limited Common Area behind these units. Because of this, homeowners here may have plantings (up to 3 feet in height at maturity) -- no trees -- in an area in front of the stone wall (the demarcation wall just in front of the no-cut line) at the rear of the Limited Common Area. This planting area will extend no more than 36 inches from the stone wall, and may travel along the wall from unit 26 to its end at unit 38. These plantings must be well maintained by the homeowners, no fencing or netting is permitted, and the mulch used must be the same as the association landscaper uses. The planting bed must not impede the landscapers' ability to mow the lawn with ease. If any irrigation lines or heads are impacted, the homeowner must contact the association's irrigation contractor for repairs and relocation at the owner's expense. If this area is no longer used for plantings, the sod/grass must be restored to its original condition at the expense of the owner.

F. Trees

Unit owners may not plant trees in the Limited Common Area, except within the Front Planting Bed as defined in Part A.a of this Rule.

The small, ornamental trees planted in the Yard at 8 Sunset Lane and the side Yard at 26 Three Ponds Drive are grandfathered in.

G. Bird Baths in the Front Planting Bed

Unit owners may place a single bird bath in the Front Planting Bed with Board approval. The request shall include a picture, or sketch/description, with the bird bath's dimensions. The unit owner must maintain/clean the bird bath to minimize the potential of insects breeding.

H. Planters/Pots, Figurines, Sculptures, Gnomes, Animals, Bird Feeders, Bird Houses, and Similar Decorative Items.

Planters/Pots, figurines, sculptures, gnomes, animals, bird feeders, bird houses, and similar decorative items, are not allowed in the Front Planting Bed. One small bird house, hummingbird feeder, or decoration, hanging from the tree planted in the Front Planting Bed is permissible. No more than two planters and/or pots are permitted adjacent to the garage entrance.

I. Projection Lighting of Landscape Trees

Projection lights are allowed when used to highlight landscape trees in front of a unit. Projection lights are not allowed on the trees between units. The lighting must be positioned up from the tree base and placed so as to not be seen by passing vehicles, nor be intrusive to a neighbor's home. This is achieved with

a "collar" around the light source so it can be focused up to the tree trunk and foliage.

The lighting should not interfere with any on-going maintenance tasks by the landscape contractors and should be buried in accordance with the Town of Brentwood requirements. Unit owners should review New Hampshire RSA 374:48, "Underground Facility Damage Prevention System," prior to beginning any excavation activity. Unit owners are responsible for any damage to the irrigation system caused by the installation of the lighting. Repairs will be made by the Association irrigation contractor at the owner's expense. The VTP Homeowners Association and the landscaping contractor are not responsible for any damage to a unit owner's lighting installation that occurs during normal landscaping activities.

The allowed lighting is LOW VOLTAGE (12v) LED with 3000k "Warm White" color temperature. Specifications & equivalents are listed below. This application allows for low voltage systems only, and the installation does not require a licensed electrician to install a plug-in device, or to lay wiring which is typically 6" in depth. If the solar power option is preferred, the same 3000k color temperature and intensity (lumens) lights and collar are required to maintain uniformity in the community.

Specifications: The following specifications are intended to achieve the desired uniform lighting effect. Equivalent lighting fixtures and systems may be used. Unit owners may choose to hire a professional landscape company to install their own commercial systems.

LED Bulbs:  
3000k - 410 Lumens  
40-Degree Beam Angle

Transformer: Compatible with fixture and LED bulb quantity

Wiring: (depending on length & wattage) 14/2 or 16/2 stranded, landscape low-voltage underground cable.

#### J. Solar Lights

Solar lights are allowed along the sides of the unit, when required for safety reasons, to support transit to the rear of the unit.

#### K. Hose Reels

Hose reels may be placed beneath, or mounted on a unit at, an exterior faucet. Hose reel storage is not allowed in the driveway, or the Limited Common Area, in front of a unit.

#### L. Fences, Arbors, Trellises and Pergolas

Unless approved by the Board of Directors or previously installed by the Developer, fences, arbors, trellises, pergolas and similar structures are not allowed in a unit's Limited Common Area, including the Yard, or in the Common Area.

## 21. ARCHITECTURAL CONFORMITY AND MODIFICATIONS TO A UNIT

The Board has the responsibility to ensure architectural conformity is maintained throughout the Association. Unit owners who desire to make modifications to the exterior of their unit shall obtain review and approval from the Board for architectural conformity. The request should include a description with pictures, drawings, sketches, plans, or references that would support understanding of the modification, and include the Building Permit No. issued by the Town of Brentwood. Refer to the Town website:

[https://www.brentwoodnh.gov/entity/building-inspector-3.](https://www.brentwoodnh.gov/entity/building-inspector-3)

### A. Patio and Deck Addition or Modifications

Patio and deck additions or modifications require Board review and approval to verify that the modifications will not extend beyond the unit's Yard. The design of the patio or deck does not require Board review and approval if it is similar in design and composition as those installed by the Developer.

- Cable systems may be used lieu of balusters on decks.
- Redwood, or other non-vinyl decks and stairs are not allowed.

### B. Modifications that do not Require Board Review and Approval

The unit owner may make the following modifications, similar to those that were offered or made by the Developer, 3 Ponds, LLC, without requesting approval by the Board.

- a. Front Storm Doors - Installation of a white, full-view storm door. The door may have an internal screen, such as the Larson models installed by the Developer, or a full glass model as made by Larson or Anderson. Doors with half metal facings are not allowed.
- b. Front and Rear Steps, Posts and Beams - The side boards of the front and rear steps, and the exposed posts and beams may be painted white (acceptable color is Sherwin Williams Ultra White) or covered with white AZEK of the same color the builder used on the steps and porches.
- c. Front and Rear Porches – The area between a front or rear porch and the ground, which typically 24 inches in height, may be enclosed with white lattice panels composed of AZEK or a similar material.
- d. Decks – Deck posts may be painted white to match the siding of the units. Decks may not be enclosed with lattice or other materials.

- e. Gutters and Downspouts – Gutters and downspouts, which are white and similar in design to those installed by the Developer on the front of the units.
- f. Porch and Stair Railings – Porch and stair railings that are identical to that that were installed by the Developer.
- g. Whole House Generators – Whole house generators that are similar to those installed by the Developer. The generator must be installed on a pad as recommended by the manufacturer, and in a containment similar to that installed by the Developer. The generator must be located five feet from any opening in the wall of the unit, or 18 inches from the unit, and ten feet from the propane tank. The propane supply line from the propane tank to the generator must be routed two feet underground with the top 6 inches around the gas pipe being sand. The electrical installation shall be in accordance with NEC 2017. The unit owner shall obtain the required permits from the Town of Brentwood, and have the installation performed by a licensed contractor in accordance with Brentwood codes.
- h. Hot Tubs – Hot tubs may be installed on patios in the unit’s Yard. The electrical installation shall be in accordance with NEC 2017. The unit owner shall obtain the required permits from the Town of Brentwood, and have the installation performed by a licensed contractor in accordance with Brentwood codes.

C. Units with walkout basements or access to a patio on the side

Some units were constructed with walkout basements, or access to a patio, on the side of the unit due to the topography of the lot. Unit owners who have a side walkout and desire to install a patio must present their plans to the Board for review and approval.

In several cases, an existing patio or walkway, was approved and constructed by the Developer in areas other than the Yard. The side patios and walkways at the following units are accepted by the Board (grandfathered) and no action is required by the owners, except for any extension of an existing patio.

- 3 Sunset Lane – side patio
- 1 Three Ponds Drive – front and side walkway and side patio
- 26 Three Ponds Drive – side walkways and side patio

D. Golf Cart parking spot installed by the Developer

The golf cart parking area by the garage at 7 Sunset Lane was approved by the Developer and is grandfathered.

22. DRIVEWAY MAINTENANCE AND REPAIR

The Association is responsible for the maintenance and replacement of the units’ driveways. The replacement will utilize the recommendations from the Reserve

study and will be standard for all units in the Association based upon age and standards for wear or deterioration. Sealcoating will be performed by the Association at a standard frequency.

- To maintain a standard appearance throughout the community, owners are not allowed to apply sealcoating to their driveways.
- Units that have additional parking spaces, or that park vehicles outside their garage may experience accelerated deterioration due to fluid leaks. Should such degradation be identified, the driveway, parking area or turn around pad will be repaired or replaced by the Association at the owner's expense. Owners are not allowed to complete repairs or replacement of the unit's driveway.

#### 23. DAMAGE TO COMMON OR LIMITED COMMON AREAS

- A. It is the responsibility of the unit owner to repair, or have repaired, any damage that they, or their contractor, agent, family member, or guest causes to the Common or Limited Common Areas.
- B. All repairs, and replacements shall be substantially similar to the original construction and installation, be of first-class quality, and be completed within a reasonable time of damage occurring.

#### 24. POST-INSTALLATION REVIEW AND APPROVAL OF LANDSCAPING AND MODIFICATIONS

Unit owners who made landscaping changes or unit modifications prior to October 9, 2020, which would have required approval by the Board, shall submit a request for post-installation review and approval. The request should include the location, pictures and descriptions of the installed landscaping or modification.

#### 25. PUBLIC EMERGENCY POLICY

In the event of a declared Public Emergency in our region (i.e., pandemic, natural disaster, or other public emergency), the Policy of The Villages at Three Ponds (VTP) will be to adhere to guidelines and advisories issued by the legally prevailing authority. Such emergency guidelines and advisories will supersede any rule(s) published in the Rules and Standards document of The Villages at Three Ponds. The Board of Directors will communicate with VTP owners and residents as to the impact and effect of such emergency guidelines and advisories.

It is not the intent of the BOD to create guidelines that are outside its expertise and scope, and will defer to the State level experts on such matters.